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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,277	10/28/2003	Yong Ho Son	007412.00304	3963
71/867 7590 02/18/2010 BANNER & WITCOFF, LTD ATTORNEYS FOR CLIENT NUMBER 007412 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051				
EXAMINER				
SAINT CYR, JEAN D				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/695,277

**Applicant(s)**

SON ET AL.

**Examiner**

JEAN Duclos SAINT CYR

**Art Unit**

2425

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-10 and 12-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notes of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### **Miscellaneous**

In response to the amendment filed on 01/25/2010 , the finality of the last office action is withdrawn and an office action on new ground of rejection follows.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-10, 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yurt et al in view of Heer et al, US No.5999629.

Re claim 2, Yurt et al disclose wherein the remote server is adapted to cause transmission of a decryption key to said-the requesting subscriber the decryption key being necessary to decrypt the video program(The processing performed preferably includes assigning a unique identification code to the retrieved information performed by identification encoder,col.18, lines 63-66; the information is preferably transmitted over an existing communication channel to a reception system 200, and is received by that system . When the information is received , it is preferably formatted for the particular type of reception system 200 to which the information is sent,col.19, lines 24-29; that means only that user can decode the received content by using the appropriate code or key associated with it ).

Re claim 3, Yurt et al did not explicitly disclose the video program in the second encrypted form is encrypted according to a public key associated with the requesting

subscriber, the public key having an associated with it a private key necessary to decrypt the video program in the second encrypted form.

However, Heer et al disclose the video program in the second encrypted form is encrypted according to a public key associated with the requesting subscriber, the public key having an associated with it a private key necessary to decrypt the video program in the second encrypted form(public key generated by a security module associated with the requester,col.2, lines 1-2;private key, col.4, line 34; decrypt the encrypted program, col.4, line 7).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Heer into the invention of Yurt for the purpose of making the system safer against unauthorized user in using private key and public key before decrypting a program.

As claim 4, the claimed "the private key having an associated public key necessary to decrypt the video program in the second encrypted form..." is composed as the same structural elements as previously discussed with respect to the rejection of claim 3.

Re claim 5, Yurt et al did not explicitly disclose wherein the video program in the second encrypted form is encrypted according to a public key, the public key having an associated private key necessary to decrypt the video program in the second encrypted form, the system further comprising: the remote server transmitting the private key to the requesting subscriber.

However, Heer et al disclose wherein the video program in the second encrypted form is encrypted according to a public key, the public key having an associated private key necessary to decrypt the video program in the second encrypted form, the system further comprising: the remote server transmitting the private key to the requesting subscriber(see fig.1, element 60; server 60 then transmits the message in sequence

with other such messages to communications path 61 for transmission to the subscriber terminals, col.7, lines 45-48).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Heer into the invention of Yurt for the purpose of allowing only authorized requested users to decrypt the content.

Re claim 6, Yurt et al did not explicitly disclose the private key is encrypted prior to transmission to the requesting subscriber.

However, Heer et al disclose the private key is encrypted prior to transmission to the requesting subscriber(The private key is another device unique encryption key, S.sub.id, that is also generated during the manufacture of the respective module and stored in a secured/protected memory location, col.4, lines 34-38).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Heer into the invention of Yurt for the purpose of allowing the terminal to receive the private key before any request.

Re claim 7, Yurt et al did not explicitly disclose wherein the remote is adapted to transmit the video program in the second encrypted form to the requesting subscriber via a first communications channel and is adapted to transmit a decryption key to the requesting subscriber via a second communications channel.

However, Heer et al disclose wherein the remote is adapted to transmit the video program in the second encrypted form to the requesting subscriber via a first communications channel and is adapted to transmit a decryption key to the requesting subscriber via a second communications channel(see fig.1, the system uses bus 41 for encrypted video program and bus 61 for sharing key; col.6, lines 17-24).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Heer into the invention of Yurt for the purpose of allowing the system to use two different channels for transmitting keys and video.

Re claim 8, Yurt et al did not explicitly disclose wherein the video program in the second encrypted is encrypted according to a Data Encryption Standard "DES".

However, Heer et al disclose wherein the video program in the second encrypted is encrypted according to a Data Encryption Standard "DES"(see fig.5, "DES" processor; DES processor 7 to generate the unique encryption keys, col.9, lines 24-25) .

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Heer into the invention of Yurt for the purpose of allowing the system to use standard encryption technique.

Re claim 9, Redmond et al disclose did not explicitly wherein the remote server is adapted to multiplex the video program in the second encrypted form and other signals to create a multiplexed signal for transmission to the requesting subscriber.

However, Heer et al disclose wherein the remote server is adapted to multiplex the video program in the second encrypted form and other signals to create a multiplexed signal for transmission to the requesting subscriber(multiplexer, col.9. lines 63-65).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Heer into the invention of Yurt for the purpose of allowing the system to transmit a plurality of signals in one channel.

Re claim 10, Yurt et al disclose further comprising the at least one programming source

wherein the at least one programming source comprises at least one of a television broadcasting source, a premium broadcast source, and a video-on-demand source (see fig.1f).

Re claim 12, Yurt et al disclose an interactive information distribution system comprising: a distribution center comprising a remote server(see fig.2a);

the remote server configured to store in storage a video program encrypted in a first encrypted form received from at least one programming source which is located remote from the remote server(Prior to being made accessible to a user of the transmission and receiving system of the present invention, the item must be stored in at least one compressed data library 118, and given a unique identification code by identification encoder,col.6, lines 35-39);

the remote server configured to retrieve the video program encrypted in the first encrypted form from the storage and processing the video program encrypted in the first encrypted form responsive to a subscriber request to produce a decrypted video program(The transmission format means 119 receives the request and retrieves the composite formatted data block of the requested item stored in compressed data library 118 and converts the compressed formatted data block into a format suitable for transmission, col.13, lines 40-45; that means the format of the data was changed).

But did not explicitly disclose the remote server configured to process the decrypted video program to produce a video program in a second encrypted form; and the remote server configured to transmit the video program in the second encrypted form to the requesting subscriber.

However, Heer et al disclose the remote server configured to process the decrypted video program to produce a video program in a second encrypted form; and the remote server configured to transmit the video program in the second encrypted form to the

requesting subscriber(decrypts the encrypted program encryption key using CV. Module 50 then re-encrypts the program encryption key using its device unique key, col.5, lines 59-62; Processor then transmits the message over bus 41 for distribution to the subscriber terminals, col.7, lines 17-18).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Heer into the invention of Yurt for the purpose of making the system safer against unauthorized user in using re-encryption or double encryption technique.

As claim 13, the claimed "the remote server configured to process a video program encrypted in the first encrypted form received from at least one programming source, which is located remote from the remote server, to produce a decrypted video program..." is composed as the same structural elements as previously discussed with respect to the rejection of claim 12.

Re claim 14, is met as previously discussed with respect to claim 2.

Re claim 15, is met as previously discussed with respect to claim 5.

Re claim 16, is met as previously discussed with respect to claim 6.

Re claim 17, is met as previously discussed with respect to claim 7.

Re claim 18, is met as previously discussed with respect to claim 8.

Re claim 19, is met as previously discussed with respect to claim 9.

Re claim 20, is met as previously discussed with respect to claim 10.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST. If attempts to reach the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reached on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an



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application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199(IN USA OR CANADA) or 571-272-1000.

/Jean Duclos Saintcyr /

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2425